

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DROPBOX, INC.,

*Plaintiff/Counter-
Defendant,*

v.

MOTION OFFENSE, LLC,

*Defendant/Counter-
Plaintiff.*

Civil Action No. 6:20-cv-00251-ADA

JURY TRIAL DEMANDED

MOTION OFFENSE, LLC,

Plaintiff,

v.

DROPBOX, INC.,

Defendant.

Civil Action No. 6:21-cv-00758-ADA

JURY TRIAL DEMANDED

DISCOVERY ORDER

The Court hereby resolves the following discovery disputes submitted by email. Dropbox, Inc. (“Dropbox”) has requested an Order permitting it to serve a supplemental invalidity report and Motion Offense, LLC (“Motion Offense”) has requested an Order extending the deadline to serve rebuttal reports by two weeks without permitting Dropbox to serve a supplemental invalidity report.

The Court **GRANTS** Dropbox’s request for the nine-page Supplemental Expert on Invalidity that it served on January 10, 2023, to be considered properly served. To the extent Motion Offense is moving to strike the Supplemental Expert report, Motion Offense’s motion is

DENIED. The Court finds that Dropbox has promptly served its Supplemental Invalidity Expert Report. Dropbox's Supplemental Invalidity Expert Report contains only source code citations which Dropbox's expert contends are responsive to source code Motion Offense's expert added in Motion Offense's supplemental report on infringement on December 15, 2022. The Court further finds that extending the deadline for rebuttal reports to January 24, 2023, and the deadline for any rebuttal to the Supplemental Invalidity Expert Report to January 31, 2021, would cure any prejudice to Motion Offense.

IT IS HEREBY ORDERED that Dropbox's request to serve a supplemental expert report is granted and the schedule below is entered:

Event	New Deadline
Dropbox supplemental expert report on invalidity	Jan. 10, 2023
Rebuttal expert reports	Jan. 24, 2023
Rebuttal to Supplemental Invalidity Expert Report	Jan. 31, 2023
Close of expert discovery	Feb. 8, 2023
Motion Offense narrows to 15 claims	Feb. 14, 2023
Dropbox narrows to 20 combinations and 15 prior art references. Prior art relied upon by an expert only as evidence of the knowledge of a person of ordinary skill in the art does not count as a prior art reference. Multiple pieces of prior art evidence (for example, documents, source code, webpages, videos or any other forms of evidence) used as evidence relating to one prior art system counts as a single prior art reference. Motion Offense is not precluded from challenging the prior art status of any such evidence and/or seeking to exclude its use.	Feb. 20, 2023
Dispositive Motion Deadline and Daubert Motion Deadline	Feb. 24, 2023

All dates not listed in the table above remain unchanged; however, the parties may propose modification of the dispositive deadlines and case narrowing in a jointly proposed scheduling order.

IT IS FINALLY ORDERED that the parties are to submit a jointly proposed scheduling order in word format to the Court's Law Clerk at Nolan_McQueen@txwd.uscourts.gov within one (1) week from the date of this hearing: January 19, 2023.

SIGNED this 12th day of January, 2023.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", is written over a horizontal line.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE